

COMMON COUNCIL MEETING MINUTES

MONDAY, DECEMBER 4, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann and Deputy Clerk-Treasurer Lois Fine

Councilor Kevin Kirby and Clerk-Treasurer Diana L. Cordray were not in attendance.

Mayor Brainard called the meeting to order at 6:03 p.m.

Rabbi Adland, Indianapolis Hebrew Congregation, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

Mayor Brainard presented the Range Line Pioneer Award to Carmel City Judge Gail Bardach. Judge Bardach also was honored with plaques from the Common Council, Carmel Police Officer Tony Lovitt and her staff.

APPROVAL OF MINUTES:

Councilor Mayo made a motion to approve the Minutes of the November 20, 2006, Regular Meeting. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 5-1 (Councilor Rattermann abstained).

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

There were none.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Councilor Carter thanked Council President Sharp for the presentation to Judge Gail Bardach.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$1,081,007.36. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. Claims were approved 6-0.

COMMITTEE REPORTS:

Councilor Rattermann reported that the Finance, Administration and Rules Committee met this evening and discussed Ordinance D-1829-06, Ordinance D-1833-06 and Ordinance D-1836-06. Ordinance D-1829-06 and Ordinance D-1833-06 were sent to the full Council with a 2-0 favorable recommendation. Ordinance D-1836-06 will remain in committee for further review.

Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee had not met.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met. The next meeting will be held on Tuesday, December 12, 2006 at 3:00 p.m.

Councilor Glaser reported that the Utilities, Transportation and Public Safety Committee had not met.

OLD BUSINESS

Council President Sharp announced the **Fourth Reading of Ordinance D-1829-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 5, Section 2-131 of the Carmel City Code (Purchasing Agencies and Purchasing Agents). Councilor Rattermann presented amended VERSION A 12/4/06 to Council for consideration. Councilor Rattermann made a motion to amend Ordinance D-1829-06. Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. The motion to amend Ordinance D-1829-06 was approved 6-0. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1829-06, As Amended**, VERSION A 12/04/06 was adopted 6-0.

Council President Sharp announced the **Fourth Reading of Ordinance D-1833-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Fixing Salaries of Elected Officials of the City of Carmel, Indiana for the Year 2007. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1833-06** was adopted 6-0.

Council President Sharp announced the **Third Reading of Ordinance D-1836-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Requirement for Mayoral Signature of Council Resolutions; Sponsor: Councilor Sharp. (Finance, Administration and Rules Committee 12/13/06). This item was not discussed.

Council President Sharp announced the **Second Reading of Ordinance D-1837-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 9, Article 2, Division VI, Section 9-77(d) of the Carmel City Code (Fire Hydrant Specifications); Sponsor: Councilor Mayo. (Utilities, Transportation and Public Safety Committee 12/11/06). This item was not discussed.

PUBLIC HEARINGS

Council President Sharp announced the **First Reading of Ordinance Z-499-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Townhomes at Central Park Planned Unit Development District (Westfield Boulevard at 114th Street). Councilor Rattermann made a motion to move this item into business. Councilor Mayo seconded. Councilor Rattermann referred to Tim Stevens, Mann Properties, Director of Development, to present this item to Council. Mr. Stevens referred to Greg Ewing, Development Coordinator for Mann Properties to present this item to Council. There was no Council discussion. Council President Sharp opened the Public Hearing at 6:34 p.m.

The following individuals spoke in opposition to Ordinance Z-499-06:

Jack Engledow	1819 Wood Valley Drive, Carmel, IN
Judy Hagan	10946 Spring Mill Lane, Carmel, IN
Marilyn Mesh	19818 Timber Lane, Carmel, IN

Seeing no one else who wished to speak, Council President Sharp closed the Public Hearing at 6:43 p.m. There was no Council discussion. Council President Sharp referred Ordinance Z-499-06 to the Land Use, Annexation and Economic Development Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance Z-500-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Park Place (Retirement Community) Planned Unit Development District (Guilford Road and 116th Street). Councilor Rattermann made a motion to move this item into business. Councilor Mayo seconded. Councilor Sharp referred to Jim Shinaver, Attorney, Nelson & Frankenberger, to present this item to Council. Also present were Wayne Beverage, Guilford Partners LLC and Engineer Rick Kelly of EMH & T Engineers.

Council President Sharp passed the gavel to Councilor Glaser at 6:45 p.m. and left the chamber.

Council President Sharp returned to the chamber and reclaimed the gavel from Councilor Glaser at 6:48 p.m.

There was brief Council discussion. Council President Sharp opened the Public Hearing at 7:04 p.m.

The following individual spoke in opposition to Ordinance Z-500-06:

Marnin Spigelman	11816 Harvard Lane, Carmel, IN
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Seeing no one else who wished to speak, Council President Sharp closed the Public Hearing at 7:11 p.m. There was no Council discussion. Council President Sharp referred Ordinance Z-500-06 to the Land Use, Annexation and Economic Development Committee for further review and consideration.

NEW BUSINESS

Council President Sharp announced the **First Reading of Ordinance D-1838-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Sections 2-38, 2-39, 2-40, 2-41, 2-42, 2-47, 2-50, 2-51, 2-56 and 2-59 of the Carmel City Code (Benefits for City Employees). Councilor Mayo made a motion to move this item into business. Councilor Griffiths seconded. Councilor Mayo presented this item to Council. There was no Council discussion. Council President Sharp referred Ordinance D-1838-06 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1839-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 3, Section 8-20(a)(2) of the Carmel City Code (Addition of Street Names). Councilor Carter made a motion to move this item into business. Councilor Rattermann seconded. Councilor Carter presented this item to Council. Councilor Mayo made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Glaser seconded. There was brief Council discussion. Council President Sharp called for the question. The motion to suspend the rules and not send this item to committee and vote this evening was approved 6-0. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1839-06** was adopted 6-0.

Council President Sharp announced the **First Reading of Ordinance D-1840-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 9, Section 8-120 of the Carmel City Code (Establishing Certain Stop Intersections). Councilor Carter made a motion to move this item into business. Councilor Griffiths seconded. Councilor Carter presented this item to Council. Councilor Mayo made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. The motion to suspend the rules and not send this item to committee and vote this evening was approved 6-0. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1840-06** was adopted 6-0.

Council President Sharp announced **Resolution CC-12-04-06-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Waiving Department Service Requirements for New Fire Chief. Councilor Mayo made a motion to move this item into business. Councilor Rattermann seconded. Councilor Mayo presented this item to Council. Mayor Brainard addressed the Council and introduced Keith Smith, the new Chief of the Carmel Fire Department, to address the Council. There was brief Council discussion. Council President Sharp called for the question. **Resolution CC-12-04-06-01** was adopted 6-0.

Council President Sharp announced **Resolution CC-12-04-06-03**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving a Transfer of Funds by the Mayor's Office (\$30,000). Councilor Mayo made a motion to move this item into business. Councilor Carter seconded. Council President Sharp referred to Sherry Mielke to present this item to Council. There was brief Council discussion. Council President Sharp called for the question. **Resolution CC-12-04-06-03** was adopted 6-0.

OTHER BUSINESS

There was none.

ANNOUNCEMENTS

There were none.

EXECUTION OF DOCUMENTS

Mayor Brainard adjourned the meeting at 7:30 p.m.

ADJOURNMENT

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC